THE FIFTH DAY.

10th January 1910.

SUBJECTS.

The Assembly met again at 11 A. M. on Monday, the 10th January.

Before commencing the business of the day, the Assembly was informed that His Highness the Maha Raja had been pleased to approve of Messrs. Madhavan Tampi and P. Kesava Pillai, elected by the Members of the Southern and Quilon Divisions respectively as Members of the Legislative Council.

The consideration of the subjects was then resumed.

IX. Miscellaneous.

63. *Advisability of getting the depositions of witnesses in Courts attested by the parties and Vakils also.*

Mr. M. K. Govinda Pillai (Member, Trivandrum Taluk) stated that, till the close of 1083, it had been the practice in the Courts to get the depositions of the witnesses signed not only by the deponents, but also by both the parties or their Vakils. By a Circular issued by the High Court, that practice was discontinued, for reasons not very clear to the Member's mind. The Member represented that, at all events, the present practic of getting the depositions signed by the deponents only was fraught with great evils. No doubt the presiding officer—the Magistrate or the Judge as the case may be—had, under the law, to attest the depositions. But the attestation of a deposition by the Judge or Magistrate took place in many Courts one or two days after the deposition had been recorded. In the meantime, if the deponent and the party calling him were so inclined, they could cause the re-placement of the original paper or alter such part of the deposition as was deemed necessary, by the help of the clerks of the Court. The Member therefore urged that the old practice might be restored, as it would serve as a safe-guard against such dangerous interference.

Dewan's reply.—The High Court are decidedly of opinion that the change proposed by the Member should not be permitted. The suggestion that a rule may be issued to the effect that the presiding Judge shall sign each deposition, invariably on the day on which it is given, will be communicated to the High Court, for such consideration as they may deem necessary.

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